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Date: July 3, 2002
Refer to: ER2002-0452

Mr. John Young, Corrective Action Project Leader
Permits Management Program
NMED – Hazardous Waste Bureau
2905 Rodeo Park Drive East
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Santa Fe, NM 87505-6303

**SUBJECT: SUBMITTAL OF THE MAY 2002 CORRECTIVE MEASURES STUDY
(CMS) PROGRESS REPORT FOR MATERIAL DISPOSAL AREA
(MDA) H, POTENTIAL RELEASE SITE (PRS) 54-004 AT TECHNICAL
AREA (TA) 54**

Dear Mr. Young:

Enclosed please find three copies of the "Progress Report for the Corrective Measures Study for Material Disposal Area H, Potential Release Site 54-004, at Technical Area 54, May, 2002." This progress report is submitted in accordance with the reporting conditions outlined in Section R, *Scope of Work for a Resource Conservation and Recovery Act Corrective Measure Study at the Laboratory, Task IX, Reports, Part A, Progress of Module VIII of the Laboratory's Hazardous Waste Facility Permit*. The CMS Plan for MDA H (LA-UR-01-1629) was approved in your letter dated December 7, 2001, (HWB-LANL-01-002).

Please contact John Hopkins at (505) 667-9551 or Woody Woodworth at (505) 667-5820, if you have any questions.

Sincerely,

Sincerely,

David McNroy, Acting Program Manager
Environmental Restoration Project
Los Alamos National Laboratory

Everett Trollinger, Project Manager
Department of Energy
Office of Los Alamos Site Operations



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Enclosure: MDA H May 2002 CMS Progress Report

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Monthly Progress Report for Corrective Measures Study for Material Disposal Area H, Potential Release Site 54-004, at Technical Area 54 May 2002

Prepared by the Material Disposal Areas Focus Area

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1.0 INTRODUCTION

This progress report summarizes Los Alamos National Laboratory (the Laboratory) activities completed during May 2002 on the corrective measures study (CMS) for Material Disposal Area (MDA) H, Potential Release Site (PRS) 54-004, at Technical Area 54. The completed activities are described in the CMS plan (Environmental Restoration Project 2001, 70319), approved by the New Mexico Environment Department (NMED) Hazardous Waste Bureau (HWB) on December 7, 2001. These activities and other related operations are summarized below.

2.0 DESCRIPTION OF ACTIVITIES AND CONTACTS

High-Performing Team Activities

There were no HPT activities in May.

Resource Conservation and Recovery Act Facility Investigation Addendum

A draft of the RFI Addendum, describing the results of supplemental 2001 fieldwork, was completed and issued for peer review.

CMS Report

The Laboratory continued comment resolution with the internal peer reviewers, specifically with reviewers from the Regulatory Compliance Focus Area on Sections 3, 4, and 5 of the MDA H CMS report. Section 3 was revised to incorporate NMED comments received during the April 23, 2002 HPT meeting.

Public and Stakeholder Involvement

During the February 14, 2002, focus group meeting, George Rice was selected by focus group members to be the independent peer reviewer for the MDA H CMS Report. The Laboratory issued a purchase requisition for his services in May.

3.0 PERCENTAGE OF CMS COMPLETED

The Laboratory estimates that 83% of the CMS has been completed.

4.0 PROBLEMS ENCOUNTERED/ACTIONS TO RECTIFY PROBLEMS

The status of four of the five problems described in the first two progress reports is unchanged (Environmental Restoration Project 2002, 71479; Environmental Restoration Project 2002, 72612). Problem 4 has been rectified as described below. The problems and actions to rectify them are as follows.

Problem 1. NMED has not yet concurred with the Laboratory's proposed site conceptual model, including assumptions about site geology and hydrogeology.

Problem 2. The target levels (for modeling) have not yet been identified and agreed upon.

Problem 3. DOE and the Environmental Protection Agency base the assessment of risk from radionuclides on dose; NMED bases the assessment of risk from all hazardous constituents in excess of an incremental cancer risk of 10⁻⁵.

Actions to Rectify Problems 1, 2, and 3. The MDA HPT held a meeting with modeling and regulatory compliance personnel on April 23, 2002, to review the basis for the models, assumptions about site geology and hydrology, contaminant fate and transport, and regulatory issues. The models and modeling assumptions used in the MDA H CMS Report were presented to NMED during the HPT meeting (LA-UR-02-2727). Section 3 of the CMS Report was revised in May 2002 to incorporate NMED's comments.

Problem 4. The Concerned Citizens for Nuclear Safety and other focus group members have requested that an independent review of the MDA H CMS be conducted.

Action to Rectify Problem 4. Focus group members were provided with the resumé of seven individuals to review the MDA H CMS report before the February 26, 2002, focus group meeting. The top three candidates for independent reviewers were Stan Peterson, George Rice, and Bernd Franke, each of whom was discussed during the meeting. Mr. Rice was selected as the independent peer reviewer and has agreed to perform the independent peer review.

Problem 5. NMED requested that the Laboratory demonstrate how the proposed corrective measure will meet requirements stated in 40 CFR Part 264, Subparts G and F, "Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities." The closure/post-closure care requirements are deemed applicable to MDA H primarily because shaft 9 is considered a *regulated unit*.

Action to Rectify Problem 5. The CMS report for MDA H will include a crosswalk, which will identify applicable closure/post-closure care requirements and show how the proposed corrective measure satisfies each requirement. The crosswalk will also reference the specific CMS report section describing how the different aspects of the proposed corrective measure meet the corresponding closure/post-closure care requirements.

5.0 KEY PERSONNEL CHANGES

Eliza Frank resigned from the NMED as of April 26, 2002, and Neelam Dhawan has become the main NMED-HWB point of contact. Dave Cobrian, NMED-HWB, is now providing technical support to Ms. Dhawan. The remainder of the MDA H CMS contacts is unchanged from the list provided in the first progress report (Environmental Restoration Project 2002, 71479).

6.0 PROJECTED WORK FOR JUNE 2002

HPT Proceedings and Decisions

If necessary, an HPT meeting will be scheduled in late June or early July to review the MDA H RFI Addendum.

Resource Conservation and Recovery Act Facility Investigation Report and Addendum

NMED will continue to review the Laboratory's response to the RSI on the MDA H Resource Conservation and Recovery facility investigation (RFI) report.

CMS Report

The CMS report addresses NMED-HWB concerns regarding modeling and comment resolution. These concerns involve Regulatory Compliance Focus Area staff review of Sections 3, 4, and 5 of the CMS report describing how the different aspects of the proposed corrective measure will meet the corresponding closure/post-closure care requirements of 40 CFR Part 264, Subparts F and G. Technical editing of the report will restart in late June or early July when Laboratory comments on the Corrective Action Order have been submitted to NMED.

Public and Stakeholder Involvement

The focus group meeting scheduled for June 4, 2002, has been postponed until the CMS report is finalized and reviewed by Mr. Rice. During the meeting, the group is expected to provide a final recommendation(s) to the Laboratory on the preferred corrective measure alternative.

References

Environmental Restoration Project, March 2001. "Corrective Measures Study Plan for Material Disposal Area H at Technical Area 54," Los Alamos National Laboratory report LA-UR-01-1629, Los Alamos, New Mexico. (Environmental Restoration Project 2001, 70319)

Environmental Restoration Project, February 2002. "Progress Report for Corrective Measures Study for Material Disposal Area H, Potential Release Site 54-004, at Technical Area 54, April through December 2001," Los Alamos National Laboratory report LA-UR-02-0328, Los Alamos, New Mexico. (Environmental Restoration Project 2002, 71479)

Environmental Restoration Project, March 2002. "Monthly Progress Report for Corrective Measures Study for Material Disposal Area H, Potential Release Site 54-004, at Technical Area 54 February 2002," Los Alamos National Laboratory report LA-UR-02-1454, Los Alamos, New Mexico. (Environmental Restoration Project 2002, 72612)

Environmental Restoration Project, April 2002. "Monthly Progress Report for Corrective Measures Study for Material Disposal Area H, Potential Release Site 54-004, at Technical Area 54 March 2002," Los Alamos National Laboratory report LA-UR-02-2471, Los Alamos, New Mexico. (Environmental Restoration Project 2002, 72712)

Young, J., December 3, 2001. "Additional Fieldwork at MDA H, 54-004," New Mexico Department letter HWB-LANL-01-001 to J. Browne (Laboratory director) and M. Johansen (DOE project manager) from J. Young (NMED), Santa Fe, New Mexico. (Young 2001, 71294)